

United States District Court  
Eastern District of California

Charles T. Davis,

Plaintiff,

vs.

Edward Alameida, et al.,

Defendants.

No. Civ. S 04-0886 MCE PAN P

Findings and Recommendations

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March 9, 2005, the court dismissed plaintiff's complaint for violating Fed. R. Civ. P. 8(a), explained the deficiencies and gave plaintiff 60 days within which to file an amended complaint correcting those deficiencies. The 60-day period has expired and plaintiff has not filed an amended complaint. March 21, 2005, plaintiff informed the court he does not intend to file an amended complaint.

Accordingly, I hereby recommend that this action be dismissed for violating Fed. R. Civ. P. 8(a). See McHenry v.

1 Renne, 84 F.3d 1172 (9th Cir. 1996).

2 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these  
3 findings and recommendations are submitted to the United States  
4 District Judge assigned to this case. Written objections may be  
5 filed within 20 days of service of these findings and  
6 recommendations. The document should be captioned "Objections to  
7 Magistrate Judge's Findings and Recommendations." The district  
8 judge may accept, reject, or modify these findings and  
9 recommendations in whole or in part.

10 Dated: July 12, 2005.

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12 /s/ Peter A. Nowinski

13 PETER A. NOWINSKI

14 Magistrate Judge  
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